

Notice of Allowability

Application No.

09/483,579

Examiner

Steven B. McAllister

Applicant(s)

FOGELSON, BRUCE A.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicant's amendment of 7/26/2004 and Examiner's amendment.
2. ☒ The allowed claim(s) is/are 1, 3-8, 10-21, 23-28, 30-34 and 36-42.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date Paper #6.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jon P. Christensen on 10/13/2004.

The application has been amended as follows:

IN THE CLAIMS:

In claim 21, line 4, -- means for establishing the terms of -- was inserted before "a contract".

In claim 21, line 25, "and" was deleted.

In claim 21, line 27, "customer." was replaced with -- customer; and --.

In claim 21, after line 27, -- means for altering the terms of the preexisting contract based on said product, service, or installation options selected by the customer. -- was inserted.

In claim 34, line 4, -- a contract term establishment processor establishing terms of -- was inserted before "a contract".

In claim 34, line 25, "and" was deleted.

In claim 34, line 27, "customer." was replaced with -- customer; and --.

In claim 34, after line 27, -- a contract term change processor for altering the terms of the preexisting contract based on said product, service, or installation options selected by the customer. -- was inserted.

The following is an examiner's statement of reasons for allowance: The closest prior art found was Fino et al (5,991,769). Fino shows a standalone computer system providing a contract and providing for selection of options after establishment of the contract. The context of Fino is the real estate purchase process as based in the builder's offices. In this context, the builder's control the system and provide access to the customer for use during the sales process and during the contracting and selection of options associated with the sales process.

Fino does not show providing a first web site by a third party, providing a second web site by a third party, that the options are selected via the first web site, that the first web site is password protected by a customer password, that the second website is protected by a builder password, or that a fee is collected by the third party based on options selected by the customer.

Downs et al show a third party providing a sales web site and collecting a fee based on options selected.

However, the combination fails to teach at least that the first web site is password protected by a customer password. The system of Fino is under the control of the builder at the builder's office and the builder retains this control to facilitate the sales

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process. While references showing access to a website via customer password exist, no motivation to combine them exists since the sales processes are substantially different and it would not make sense for the builder of Fino to be locked out of his own system.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven B. McAllister whose telephone number is (703) 308-7052. The examiner can normally be reached on M-Th 8-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert P. Olszewski can be reached on (703) 308-5183. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Steven B. McAllister

STEVE B. MCALLISTER
PRIMARY EXAMINER